

OFFICIAL GAZETTE



GOVERNMENT OF GOA, DAMAN AND DIU

GOVERNMENT OF INDIA

Ministry of Petroleum, Chemicals, Mines and Metals

(Department of Mines and Metals)

Office of the Controller of Mining Leases

Order

CML-(Z-181)/70-G

Under the Mines and Minerals (Regulation and Development) Act, 1957 and the Rules made thereunder.

This is a case for modification of the terms and conditions of the undermentioned mining lease of Oxide of Iron and Manganese held by Shri Govinda Sitarama Patcar, so as to bring the lease into conformity with the provisions of the Mines and Minerals (Regulation and Development) Act, 1957 (hereinafter called the 1957 Act), and the Rules made thereunder.

| Case No. | Number and date of title | Mineral | Name of the mine | Area in hectares |
|----------|-----------------------------------|-----------------------------|------------------|------------------|
| Z-181 | 31 of 28-3-1952 T. T. 2-1-1957 | Oxide of Iron and Manganese | Bondro-dongor | 34.4250 |

Notices were served on the lessee, in accordance with the aforesaid Rules, in which the proposed modifications were conveyed to him.

After carefully reviewing and examining all the documents produced by the lessee and the arguments advanced by him, it is hereby ordered that the lease in question, stands modified as follows:—

1. The period of the lease shall be twenty years commencing from the 15th January, 1966.
2. The dead rent shall be payable as specified in the Schedule below:

| Period of the mining lease | Rate of the dead rent per hectare |
|----------------------------|-----------------------------------|
| 1. 1st year | Nil |
| 2. 2nd year to 5th year | Rs. 12-50 |
| 3. 6th year to 10th year | Rs. 25-00 |
| 4. 11th year onwards | Rs. 37-50 |

(a) Those leases which are in operation for less than one year as on 1-4-68 enjoy the benefit of «nil» dead rent for the balance period to make up one year in all and thereafter are charged at the rate of Rs. 12-50 per hectare for four more years, after which they shall be liable to pay at the rate of Rs. 25-00 per hectare for next five years and at the rate of Rs. 37-50 per hectare thereafter, and

(b) Those leases which are in operation for more than one year as on 1-4-68 should have the benefit of dead rent at the rate of Rs. 12-50 per hectare for four more years after which they may be called upon to pay at the rate of Rs. 25-00 per hectare for next 5 years and at the rate of Rs. 37-50 per hectare thereafter.

3. The royalty shall be payable in respect of any mineral removed by the lessee from the leased area after 15-1-66 at the rate for the time being specified in the Second Schedule of the 1957 Act, in respect of that mineral.

4. It is further clarified that the royalty shall be paid in accordance with Section 9 of the 1957 Act, instead of according to the stipulations in the lease deeds. The royalty, the dead rent, surface rent etc., for the period prior to 15-1-66 shall be paid as may be determined or ordered by the Government.

5. The lessee shall also pay, for the surface area used by him for the purpose of mining operations, surface rent and water rate at such rate, not exceeding the land revenue, water and cesses assessable on the land, as may be specified by the State Government.

6. The total area, covered by all the above mentioned leases, is within the limit specified in the 1957 Act and hence requires no modifications.

7. The following clause shall be deemed to be inserted in the aforesaid lease deeds and shall form part thereof:

“except for the modifications made by this order, the lease shall be subject to the rules made or deemed to have been made under Section 13 and 18 of the Mines and Minerals (Regulation and Development) Act, 1957 and orders and Notifications published by the Government of India, from time to time”.

This order shall be published in the Official Gazette of the Government of Goa, Daman and Diu and copies thereof sent to the lessee and to the State Government. Copy of this Order shall be placed in the case-file.

The reasons for this Order have been embodied in the case-file and a copy each shall be forwarded to the lessee and the State Government.

G. V. D. Upadhyaya, Controller of Mining Leases.

Dated 19th November, 1970.

Order

CML-(Z-109)/70-G

Under the Mines and Minerals (Regulation and Development) Act, 1957 and the Rules made thereunder.

This is a case for modification of the terms and conditions of the undermentioned mining lease of Oxide of Iron and Manganese held by Shri Damum Naique, so as to bring the lease into conformity with the provisions of the Mines and Minerals (Regulation and Development) Act, 1957 (hereinafter called the 1957 Act), and the Rules made thereunder.

| Case No. | Number and date of title | Mineral | Name of the mine | Area in hectares |
|----------|--------------------------|-----------------------------|------------------|------------------|
| Z-109 | 29 of 13-4-1951 | Oxide of Iron and Manganese | Cosmoi-chem Mola | 24.2500 |

Notices were served on the lessee, in accordance with the aforesaid Rules, in which the proposed modifications were conveyed to him.

After carefully reviewing and examining all the documents produced by the lessee and the arguments advanced by him, it is hereby ordered that the lease in question, stands modified as follows:—

1. The period of the lease shall be twenty years commencing from the 15th January, 1966.

2. The dead rent shall be payable as specified in the Schedule below:—

| Period of the mining lease | Rate of the dead rent per hectare |
|-----------------------------|-----------------------------------|
| 1. 1st year | Nil |
| 2. 2nd year to the 5th year | Rs. 12-50 |
| 3. 6th year to 10th year | Rs. 25-00 |
| 4. 11th year onwards | Rs. 37-50 |

(a) Those leases which are in operation for less than one year as on 1-4-68 enjoy the benefit of «nil» dead rent for the balance period to make up one year in all and thereafter are charged at the rate of Rs. 12-50 per hectare for four more years, after which they shall be liable to pay at the rate of Rs. 25-00 per hectare for next five years and at the rate of Rs. 37-50 per hectare thereafter, and

(b) Those leases which are in operation for more than one year as on 1-4-68 should have the benefit of dead rent at the rate of Rs. 12-50 per hectare for four more years after which they may be called upon to pay at the rate of Rs. 25-00 per hectare for next 5 years and at the rate of Rs. 37-50 per hectare thereafter.

3. The royalty shall be payable in respect of any mineral removed by the lessee from the leased area after 15-1-66 at the rate for the time being specified in the Second Schedule of the 1957 Act, in respect of that mineral.

4. It is further clarified that the royalty shall be paid in accordance with Section 9 of the 1957 Act, instead of according to the stipulations in the lease deeds. The royalty, the dead rent, surface rent etc. for the period prior to 15-1-66 shall be paid as may be determined or ordered by the Government.

5. The lessee shall also pay, for the surface area used by him for the purpose of mining operations, surface rent and water rate at such rate, not exceeding the land revenue, water and cesses assessable on the land, as may be specified by the State Government.

6. The total area, covered by all the above mentioned leases, is within the limit specified in the 1957 Act and hence requires no modifications.

7. The following clause shall be deemed to be inserted in the aforesaid lease deeds and shall form part thereof:

“except for the modifications made by this order, the lease shall be subject to the rules made or deemed to have been made under Section 13 and 18 of the Mines and Minerals (Regulation and Development) Act, 1957 and orders and Notifications published by the Government of India, from time to time”.

This order shall be published in the Official Gazette of the Government of Goa, Daman and Diu, and copies thereof sent to the lessee and to the State Government. Copy of this Order shall be placed in the case-file.

The reasons for this Order have been embodied in the case-file and a copy each shall be forwarded to the lessee and the State Government.

G. V. D. Upadhyaya, Controller of Mining Leases.
Dated 19th November, 1970.

GOVERNMENT OF GOA, DAMAN
AND DIU

Home Department 'C'

Office of the Custodian of Evacuee Property

Notification

CEP/GDD/JUDL/D-3715

In exercise of the powers vested in me by Section 3(2)(m) of the Goa, Daman and Diu Administration of Evacuee Pro-

perty Act, 1964 read with Rule 12 of the Goa, Daman and Diu Administration of Evacuee Property, Rules, 1965, I, P. S. Bhatnagar, Custodian of Evacuee Property, delegate the powers to issue notices, hold hearings and dispose of Judicial cases under the provisions of Goa, Daman and Diu Administration of Evacuee Property Act, 1964, to Shri J. I. Antani, Block Development Officer, Daman who has been appointed as ex-Officio Assistant Custodian of Evacuee Property for Diu area vide Govt. Order No. HD.33/16119/70-C dated the 2nd Dec. 1970.

P. S. Bhatnagar, Collector and Custodian of Evacuee Property.
Panaji, 11th December, 1970.

Finance (Revenue) Department

Notification

Fin(Rev)/2-41/Part/2795/70

In exercise of the powers conferred by sub-section (3) of section 5 of the Goa, Daman and Diu Entertainment Tax Act, 1964, Government is pleased to exempt from the payment of entertainment tax the tickets issued for the Fashion Parade to be held in the Institute Menezes Braganza Hall on 30th December, 1970 at 6.30 p. m. organised by the Club National, Panaji.

2. The exemption is subject to the condition that the entire proceeds accrued from the Fashion Parade without deduction of expenses are credited to the Funds of the Club National and are utilised for cultural activities only.

3. The organisers of Fashion Parade should submit the accounts to the Commissioner of Entertainment Tax, Panaji as and when the same are required by him.

All the tickets proposed to be sold for this Fashion Parade should bear the seal of the prescribed officer or of his office.

By order and in the name of the Administrator of Goa, Daman and Diu.

Puran Singh, Finance Secretary.
Panaji, 23rd December, 1970.

Notification

Fin./Rev/2-41/Part/2800/70

In exercise of the powers conferred by sub-section (3) of Section 5 of the Goa, Daman and Diu Entertainment Tax Act, 1964 Government is pleased to exempt from levy of entertainment tax for the «Magic Show» to be staged on 26-12-1970 at Hanuman Theatre of Ponda by the Study Circle Club, Ponda.

The exemption is subject to the condition that the entire proceeds are credited to the funds of the Study Circle Club.

By order and in the name of the Administrator of Goa, Daman and Diu.

Puran Singh, Finance Secretary.
Panaji, 24th December, 1970.

Revenue Department

Directorate of Civil Administration

Order

COL/CAB/24/70/460

The Lieutenant Governor, of Goa, Daman and Diu under the authority vested in him by article 18 of the Devasthan Regulations, is pleased to appoint the below named persons on a Special Committee to frame the draft the bye-laws of

the Devasthan «Shri Dad Swayambhoo» and its subordinate temples of Amberem, Pernem.

Effective Members:

1. President — Shri Shamba Mahadev Gadekar.
2. Treasurer — Shri Veku Atmaram Gadekar.
3. Attorney — Shri Vaman Navasso Gadekar.
4. Clerk — Shri Vishnum Shamba Gadekar.

Substitute Members:

1. President — Shri Ananat Ranchandra Amerkar.
2. Treasurer — Shri Mahadev Laxman Temkar.
3. Attorney — Shri Dynandev Laxman Temkar.
4. Clerk — Shri Shantaram Babu Gadekar.

The Committee is required to submit the report within a period of six months, to Government following the procedure as required under Section 17 and 18 of the Devasthan Regulations duly amended by Act of Legislature no. 1898 dated 29-5-1959. The Committee is also entrusted with the management of the Temple pending approval of the bye-laws.

P. S. Bhatnagar, Collector of Goa.

Panaji, 15th December, 1970

Collectorate of Goa

Order

COL/CAB/1/70/408

Read: — 1) Letter No. ADM/DEV/242/70 dated 26-8-1970 from the Mamlatdar of Satari.

The present Managing Committee of «Shri Sateri» Devasthan of Keri in Satari Taluka is hereby dissolved under sub-section 3 and 4 of section 44 of the Devasthan Regulation read with Govt. Order No. GAD/B/CMN/1/66 dated 19-7-1966 and the Managing Committee consisting of the following members is hereby appointed in its place under Art. 45, with immediate effect till it is replaced by the new Managing Committee duly elected by the body of the Mahajans as per Devasthan Regulation.

Effective Members:

President: — Shri Bhagwantrao Laximan Rane.
Attorney: — Shri Arjun Atma Gawas.
Treasurer: — Shri Apa Shamba Gawas.
Clerk: — Shri Narayan Rama Gawas.

Substitute Members:

President: — Shri Ganesh Rama Gawas.
Attorney: — Shri Mahadev Yesso Gawas.
Treasurer: — Shri Krushno Kusta Gawas.
Clerk: — Shri Vithu Laximan Gawas.

P. S. Bhatnagar, Collector of Goa.

Panaji, 3rd November, 1970.

Law and Judicial Department

Order

LD/9/58/70

In exercise of the powers conferred by Rule 24 of the Goa, Daman and Diu Service (Judicial Branch) Rules, 1970, the Administrator of Goa, Daman and Diu is hereby pleased to appoint Shri Francisco Herculano Cordeiro, Registrar, Judicial Commissioner's Court, Panaji as Grade I Officer (District Registrar cum Head of Registers and Notary Services) on an adhoc basis with effect from the date he assumes charge.

2. The expenditure is to be debited to the Budget Head 15-Registration Fees, A-Superintendence, A.1 Pay of Officers.

By order and in the name of the Administrator of Goa, Daman and Diu.

M. S. Borkar, Under Secretary

Panaji, 28th November, 1970.

Notification

RC/CN/36/70

By virtue of notification No. RN/O/95/70, dated 28th July, 1970, the individual whose name has been shown in column 1 is hereby authorized to change his name as shown in column 2.

SCHEDULE

| Srl. No. | Old name | New Name |
|----------|-------------------------|------------------|
| | 1 | 2 |
| 1 | Narayan Surba Sarmalkar | Jeronimo D'Souza |

O. P. Garg, Law Secretary.

Panaji, 22nd December, 1970.

Notification

LD/4/160/1/70

In exercise of the powers conferred by Section 12 of the Code of the Criminal Procedure, 1898, as extended to this Union Territory, the Lt. Governor of Goa, Daman and Diu hereby appoints Shri Anthony D'Cruz, Civil Judge, Jr. Dn. as Judicial Magistrate, First Class with effect from the date on which he assumes the charge and;

In exercise of the powers conferred by Section 37 of the said Code, invest him with all the additional powers of the Magistrate of the First Class specified in Schedule IV of the said Code;

And further in exercise of the powers conferred by Sec. 357 of the said Code, Shri Anthony D'Cruz is authorised to take down evidence in the english language.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

M. S. Borkar, Under Secretary (Law).

Panaji, 24th December, 1970.

Food and Civil Supplies Department

Public Works Department

Principal Engineer's Office

Order

PWD/1477/69/70-71

Read: 1) Report No. PWD/SEII/3/70 dated 27-1-70 from the Superintending Engineer, II, P.W.D., Panaji.

2) Report No. R&B/C/124/70 dated 22-8-70, from the Executive Engineer, Works Division II, P. W. D., Panaji.

In supersession of the previous Government Order No. PWD/1477/22/70-71 dated 30-3-1970, sanction of the Government is hereby conveyed to the transfer of the road, Navelim to Amona jetty in a length of 6.5 kms. inclusive link road passing through Amona village in a length of 2.1 kms. at Bicholim Taluka, to the Public Works Department, for its maintenance and improvement, with immediate effect.

This is issued with the concurrence of the Finance Department, vide their U. O. No. Fin(E)4502/70 dated 22-9-70.

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

Balcrisna R. Naique, Principal Engineer, P. W. D., and Ex-Officio Addl. Secretary to the Government.

Panaji, 24th December, 1970.

Notification

PWD/LA/1258/40/70

Whereas by Government Notification No. PWD/LA/1258/16/70 dated 16-7-70 published on page 189-190 of Series II, No. 17 of the Government Gazette, dated 23-7-70 it was notified under section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as «the said Act») that the land, specified in the schedule appended to the said Notification (hereinafter referred to as the «said land») was likely to be needed for the public purpose viz. Construction of approach road for key Village Centre at Kurti-Ponda.

And whereas the appropriate Government (hereinafter referred to as «the Government») is satisfied after considering the report under sub-section (2) of Section 5A of the said Act, that the said land specified in the schedule hereto is needed to be acquired for the public purpose specified above.

Now, therefore, the Government is pleased to declare under the provisions of Section 6 of the said Act that the said land is required for the public purpose specified above.

2. The Government is also pleased to appoint under clause (c) of Section 3 of the said Act, the Land Acquisition Officer, Panaji to perform the functions of a Collector for all proceedings hereinafter to be taken in respect of the said land, and to direct him under section 7 of the said Act to take order for the acquisition of the said land.

3. A plan of the said land can be inspected at the office of the said Land Acquisition Officer till the award is made under Section 11.

SCHEDULE

(Description of the said land)

| Taluka | Village | Plot No. | Name of the person believed to be interested | Area in sq. mts. |
|---|---------|----------|--|------------------|
| Ponda | Curti | 1 | Shri Vithaldas Mallya, Manager Matches Goa Pvt. Ltd. | 1680.00 |
| Boundaries: | | | | |
| North: Land belonging to Arrow Sylicate Factory and Shri Vighaldas Mallya, Manager of Matches Goa Pvt. Ltd. | | | | |
| South: Land belonging to Match Factory and Shri Vithaldas Mallya, Manager of Matches Goa Pvt. Ltd. | | | | |
| East: Land of Animal Husbandry Department. | | | | |
| West: Road to Ponda-Sa-voiverem. | | | | |

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

B. R. Naique, Principal Engineer, P. W. D. and Ex-Officio Addl. Secretary to the Government.

Panaji, 23rd December, 1970.

Labour and Information Department

Order

LC/1/ID(40)/69/IT-2/69

The following award given by the Industrial Tribunal, Goa, Daman and Diu, on an Industrial Dispute between M/s. Goa Publications, Panaji, Goa, and the workmen employed by

them, is hereby published as required vide provisions of section 17 of the Industrial Disputes Act, 1947 (XIV of 1947):—

Before Shri N. L. Abhyankar, Industrial Tribunal, Goa, Daman and Diu

Reference (IT-GDD) No. 1 of 1970
Goa, Publications, Panaji—First Party

Vs.

Their workmen—Second Party

In the matter of the action taken by the company in terminating the services of Joseph Coutinho, whether the action is justified, if not what relief he is entitled.

Appearances.

Shri Dantas for the company.
Shri Vaz for the workman.

AWARD

The Government of Goa, Daman and Diu has referred for adjudication this dispute under Section 10(1) (d) of the Industrial Disputes Act. The dispute is described in the Schedule as follows:

(1) Whether the action of the management of M/s. Goa Publications, Panaji in terminating the services of Shri Joseph Coutinho with effect from 30-6-1969 is justified;

(2) If not, to what relief the workman is entitled?

2. The workman Joseph Coutinho was admittedly employed in a press known as Diario da Noite at Panaji. There is some dispute between the parties whether the services of Joseph Coutinho commenced with this «Diario da Noite» press from 1st June 1967 or 1st September 1967. The letter of appointment Exhibit U/3 confirms the appointment as a proof reader in the «Diario da Noite» Press from 1st June 1967.

3. After sometime the proprietor of this «Diario da Noite» press entered into an agreement of lease with two other persons namely Lambert Mascarenhas and F. D. Dantas under an agreement of lease dated 25th June 1968. The original lease deed was produced by Shri Dantas at the time of the hearing. Under this agreement the second party that is Mr. Dantas and his partner took on lease the press called «Tipografia Diario da Noite» for a period of 3 years on certain terms. Clause (6) of the lease deed shows that the second party that is the lessee were not to hold the lessors responsible for payment of compensation to any employee of the existing staff if he was discharged during the period of the lease.

4. By the communication of 3rd June 1969, Exhibit U/4, Shri Dantas terminated the services of Shri Joseph Coutinho as being no longer required after the 30th June 1969. In other words he was given a month's notice terminating his service. The reason given in the notice is that it had become necessary to suspend the publication of the periodical called «Perspective» and therefore Shri Joseph could not be retained in service.

5. Shri Joseph did not accept the termination and by his letter of 3rd June 1969 Exhibit U/5 he protested that his services could not be terminated by the lessee because he was not an employee of the «Perspective» but an employee of the «Diario da Noite» in the category of a proof reader.

6. It appears being dissatisfied with his termination the said workman approached the Newspaper and Press Employees Union of which he had become a member and that union raised a dispute on his behalf before the Commissioner of Labour. There were attempts made before the Commissioner of Labour but as no settlement could be arrived this reference was made by Government.

7. According to the workman he was a working journalist within the meaning of the Working Journalists (Conditions of Service and Miscellaneous Provisions) Act 1965 and therefore the termination of his services by the employer by giving a month's notice was not correct and according to law. It is also claimed that the termination was not bona fide and therefore a claim for reinstatement is made in the statement of claim.

8. In resisting this demand the contention of the employer is that Shri Joseph was not employed as a proof reader at all but he was doing miscellaneous work and assisting in the office, that he was continued in service as he was atta-

ched to the press which was taken on lease by the proprietors of the Goa Publications, that the Goa Publications having stopped one of their periodicals there was not enough work therefore the services of Shri Joseph were properly terminated. They have denied that Joseph Coutinho could claim to be a working journalist and a month's notice having been given there was no question of any improper termination of the services by way of retrenchment. As regards payment of compensation the only averment on behalf of the employer is that they had offered to pay compensation before the Conciliation Officer. It is explained on behalf of the employer here that there was no question of payment of compensation because they thought the amount of compensation was to be paid after being settled as the workman had immediately taken the dispute before the conciliation officer through his union.

9. The workman has filed certain documents and examined himself and the secretary of the labour union, to which he belongs. The employer has not led any evidence in support of their case.

10. The first question that falls for consideration is whether Shri Joseph can claim to be a working journalist. Shri Joseph admitted that he was doing the work of a proof reader while in Bombay from 1945 till 1959 when he came to Goa. After having come to Goa he admitted that he obtained a job as a proof reader for the first time with Navhind Times and thereafter with the *Diario da Noite* Press. He claimed that he was employed from 1st March 1967 and confirmed on 1st June 1967. It is an admitted position that after the press was taken on lease by the lessees Shri Joseph Coutinho was continued in the same employment though according to the employer he was also doing miscellaneous work and was put in charge of posting of miscellaneous accounts which latter work he was not able to do satisfactorily. At the instance of the workman the register of attendance called the muster role and the register showing the payments made have been produced. Exhibit P-1 is the register or muster from July 1966 obviously maintained by the *Diario da Noite* Press. This register shows the name of Joseph Coutinho for the first time from September 1967. There is another document filed by the workman namely Exhibit U/2. It is a certificate from the Manager of the Navhind Times stating that Joseph was working as a proof reader in the Navhind Times from 6-2-1967 to 31-8-1967. In the face of these two documents it is difficult to accept the statement of Joseph that he was employed in the *Diario da Noite* Press prior to 1st September 1967. There is no corroboration to the claim of Joseph that he was working in the morning in the *Diario da Noite* Press and in the afternoon with the Navhind Times. In the absence of any reliable evidence to that effect I hold that Joseph was employed in the *Diario da Noite* press from 1st September 1967 and not earlier.

11. Having determined the date of commencement of his service it is necessary to see whether Joseph can claim to be a working journalist within the meaning of the Working Journalists Act. The definition of a «Working Journalist» as given in the Act is as follows:—

«2(f). «Working journalist» means a person whose principal avocation is that of a journalist and who is employed as such in, or in relation to, any newspaper establishment, and includes an editor, a leader-writer, news-editor, sub-editor, feature writer copy taster, reporter, correspondent, cartoonist, news-photographer and proof-reader, but does not include any such person who—

- (i) is employed in a managerial or administrative capacity, or
- (ii) being employed in a supervisory capacity, performs either by the nature of the duties attached to his office or by reason of the powers vested in him, functions mainly of a managerial nature».

12. Now on the material on the record it is patent that the services of Shri Joseph Coutinho continued with the press which was given on lease in 1968 to the lessees who it appears had taken the press for printing some periodical. Shri Joseph has himself in no uncertain terms stated in his communication of 3rd June 1969 in reply to the notice of termination of his employment that he was not a member of the staff of the «Perspective» that is Goa Publications but was employed with the *Diario da Noite* press. Apart from this admission it is quite clear that the services of Shri Joseph were continued as a proof reader. He was attached to the *Diario da Noite* press. He did not belong

to the establishment of any newspaper of the Goa Publications or any other periodical that the lessees may be publishing as a proof reader. Unless Shri Joseph could establish that he was employed in a newspaper establishment as a proof reader he cannot claim the status of a working journalist merely because he was employed may be as a proof reader in the press in which that news paper was printed. In his evidence also Shri Joseph has not stated that he was doing the work in connection with the newspaper as such, except may be that connected with the printing of the paper in the *Diario da Noite* Press which the proprietors of the press had given on lease. I must therefore hold that the claim of Shri Joseph that he was a working journalist is not well founded and must be rejected.

13. Even so, the question remains whether the services of Shri Joseph have been terminated according to law. The termination is challenged on yet another ground namely that it was not bona fide. I do not think that this contention of Shri Joseph has any merit. The only ground on which the action was styled as not being bona fide as given in the testimony of the Secretary of the workmen's union is that he learnt from somebody that some other persons were employed after Joseph's services were terminated. That evidence has not inspired my confidence, apart from the fact that it was mere hear-say the Secretary did not care to verify for himself as to whether anybody was in fact employed as proof reader after the services of Joseph were terminated. That being the only ground urged in support of the contention that the termination was not by way of bona fide retrenchment it must be held that the workman has failed to prove that it was not bona fide. There is evidence on the record that one of the periodicals had to stop publication and that has also been given as the reason for termination of services which I do not see any reason to doubt or discard.

14. Even so the next question that still remains for consideration is whether the retrenchment of Joseph and the termination of his service by way of retrenchment is according to law. Section 25F under which retrenchment can be effected provides for certain conditions. Clause (b) of the section lays down that the workman has to be paid at the time of retrenchment compensation equivalent to 15 days average pay for every completed year of continuous service or any part thereof in excess of 6 months. Now it is obvious that in this case no such payment was made when the retrenchment was effected. It may be that the offer for payment of this compensation need not have been made when the notice of termination of service was given because the termination was to be effective a month later. But it was incumbent on the employer to make the payment of compensation as provided in sub-clause (b) to Sec. 25F of the Industrial Disputes Act when the retrenchment became effective, that is at the end of the month of June 1969. It is common ground that this was not done. The reason, such as it was, is that the employee having approached the union and raised a dispute the employer considered that the compensation which was payable could be paid later on when the proceedings were before the conciliation officer. This explanation is too naive to be accepted. By now the obligations of the employer under the Industrial Disputes Act in effecting retrenchment of the workmen should be well known. If the conditions laid down in Sec. 25F are not satisfied which conditions are conditions precedent, the only result of such non-compliance is a verdict that there has been no valid termination of employment by way of retrenchment. In the instant case no other conclusion is possible because admittedly one of the conditions precedent namely payment of compensation has not been satisfied by the employer. In the result I hold that the order of termination of service of Joseph Coutinho with effect from 30th June 1969 as passed on 31st May 1969 is illegal and invalid. The employer is free to institute such legal action as he wants but inasmuch as Joseph's Coutinho's services cannot be held to be validly terminated he is entitled to payment of his wages as if he is in service. I direct that Joseph Coutinho shall be paid wages from 1st June 1969 at the rate legally payable on the footing that his services have not been validly terminated. The reference is answered accordingly. No order as to costs.

Sd/-

N. L. ABHYANKAR
Industrial Tribunal.

By order and in the name of the Administrator of Goa,
Daman and Diu.

D. N. Barua, Secretary, Industries and Labour Department.

Dated, 21st December, 1970.

Order

No. LC/1/ID(108)/69/IT-1/70/295

The following Award given by the Industrial Tribunal, Goa, Daman & Diu, on an industrial dispute between M/s. Bandiwade Transport, Ponda, Goa, and the workmen employed by them, is hereby published as required vide provisions of section 17 of the Industrial Disputes Act, 1947 (XIV of 1947):—

Before Shri N. L. Abhyankar, Industrial Tribunal, Goa, Daman and Diu

Reference (IT-GDD) No. 5 of 1970.

Between

M/s. Bandiwade Transport, Ponda, Goa

And

Their workmen.

In the matter of whether the action of the Co. in terminating the services of Shri R. R. Parsenkar driver is legal and justified and if not, to what relief the workmen is entitled.

Appearances:

Shri Pandurang Kamgar Bambolkar for the employer.
No appearance for the workmen.

AWARD

Shri Azagaokar who appeared at the last hearing sought adjournment for a month to file the statement of claim. No statement of claim has yet been filed. Today inspite of service of notice nobody is present for the workmen. It is obvious that the workmen do not want to press the demand referred for adjudication. There is no evidence on record in support of the demand. Thus the result is that the demand is rejected for want of evidence.

Sd/-

N. L. ABHIYANKAR
Industrial Tribunal

By order and in the name of the Administrator of Goa,
Daman and Diu.

D. N. Barua, Secretary, Industries and Labour Department.

Dated, 23rd December, 1970.

Order

LC/1/ID(35)/69/IT-2/70/296

The following Award given by the Industrial Tribunal, Goa, Daman & Diu, on an industrial dispute between M/s. Bandiwade Transport, Ponda, Goa, and the workmen employed by

them, is hereby published as required vide provisions of section 17 of the Industrial Disputes Act, 1947 (XIV of 1947):—

Before Shri N. L. Abhyankar, Industrial Tribunal, Goa, Daman and Diu

Reference (IT-GDD) No. 6 of 1970.

Between

M/s. Bandiwade Transport, Ponda, Goa

And

Their workmen.

In the matter of whether the action of the Co. in dismissing Shri M. V. Kavlekar, Driver is justified? If not to what relief the said workmen is entitled.

Appearances:

Shri Pandurang Kamat Bambolkar for the employer.
No appearance for the workmen.

AWARD

Shri Azagaokar who appeared at the last hearing sought adjournment for a month to file the statement of claim. No statement of claim has yet been filed. Today inspite of service of notice nobody is present for the workmen. It is obvious that the workmen do not want to press the demand referred for adjudication. There is no evidence on record in support of the demand. Thus the result is that the demand is rejected for want of evidence.

Sd/-

N. L. ABHIYANKAR
Industrial Tribunal

By order and in the name of the Administrator of Goa,
Daman and Diu.

D. N. Barua, Secretary, Industries and Labour Department.

Dated 23rd December, 1970.

Notification

LC/EST/MISC/70/1101

With a view to implement the recommendation No. 21(a) of the National Commission on Labour, Government is hereby pleased to transfer the State Apprenticeship Scheme and the Industrial Training Institute at present functioning under the Education Department, Government of Goa, Daman and Diu to the Labour Department.

The Commissioner, Labour and Employment shall be in overall charge of the State Apprenticeship Scheme and the Industrial Training Institute.

By order and in the name of the Lieutenant Governor
of Goa, Daman and Diu.

S. R. Sawant, Under Secretary, Industries and Labour.

Panaji, 23rd December, 1970.